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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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In the Matter of

SEP 23 2004

Amendment of Section 73.202(b)  
Table of Allotments  
FM Broadcast Stations  
(Fishers, Lawrence, Indianapolis  
and Clinton, Indiana)

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) MB Docket No. \_\_\_\_\_  
) RM - \_\_\_\_\_  
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Federal Communications Commission  
Office of Secretary

To: Office of the Secretary  
Attn: Assistant Chief, Audio Division  
Media Bureau

**PETITION FOR RULE MAKING**

Indy Lico, Inc. ("Indy Lico"), licensee of WISG(FM), Fishers, Indiana, by its counsel, hereby requests that the Commission amend the FM Table of Allotments to delete Channel 230A at Fishers, Indiana and allot Channel 230B1 to Lawrence, Indiana as that community's first local service. If this Petition is granted, Indy Lico will file an application for Channel 230B1 at Lawrence and construct the facilities as authorized. WFMS Lico, Inc. ("WFMS Lico"), licensee of WFMS(FM), Indianapolis, Indiana, by its counsel, hereby requests that the Commission amend the FM Table of Allotments to delete Channel 238B at Indianapolis, Indiana and allot Channel 238B to Fishers, Indiana. If this Petition is granted, WFMS Lico will file an application for Channel 238B at Fishers and construct the facilities as authorized. In addition, a channel substitution at Clinton, Indiana for Station WPFR-FM is requested. The following table summarizes the changes requested in this Petition:

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List ABCDE  
MB 04-164

City	Channel	
	Existing	Proposed
Fishers, Indiana	230A	238B
Lawrence, Indiana	---	230B1
Indianapolis, Indiana	226B, 234B, 238B, 242A, 277B, 289B, 300B	226B, 234B, 242A, 277B, 289B, 300B
Clinton, Indiana	230A	229A

**I. Station WISG(FM), Fishers to Lawrence, Indiana**

**A. Technical Analysis**

1. As demonstrated in the Technical Exhibit, Channel 230B1 can be allotted to Lawrence at coordinates 39-43-37 North Latitude, 86-03-00 West Longitude consistent with Section 73.207 of the Commission's Rules with respect to all existing and proposed domestic allotments and facilities provided Channel 229A is substituted for Channel 230A at Clinton, Indiana. See Figure 1. A 70 dBu signal can be provided to Lawrence from the proposed reference coordinates. See Figure 2. The relocation of WISG from Fishers to Lawrence will result in a predicted net gain in population of 267,878 persons within the proposed WISG 60 dBu contour. See Technical Narrative. The loss area will continue to receive at least 5 other aural services and will thus remain well served. See Figures 8 and 9.

**B. Change in Community of License**

2. Indy Lico desires to change the community of license of WISG from Fishers to Lawrence under the guidelines set forth in *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), *recons. granted in part*, 5 FCC Rcd 7094 (1990). There, the Commission stated that a station may change its community of license without subjecting the license to other expressions of interest if (1) the proposed allotment is mutually exclusive with the current

allotment; (2) the current community of license will not be deprived of its only local service; and (3) the proposed arrangement of allotments is preferred under the Commission's allotment priorities. These criteria are met here. First, the proposed use of Channel 230B1 at Lawrence is mutually exclusive with the current use of Channel 230A at Fishers. *See* Figure 1. Second, Fishers will not be deprived of its only local service because, as discussed in Section II herein, WFMS Lico, licensee of Station WFMS, Indianapolis, Indiana is joining in this petition to change the community of license of WFMS from Indianapolis to Fishers. Third, the provision of a first local service at Lawrence (2000 U.S. Census population 38,915) under Priority 3 will result in a preferential arrangement of allotments over the retention of nineteen local services at Indianapolis under Priority 4 (Fishers would retain a station). *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982).

3. Lawrence is located within the Indianapolis, Indiana Urbanized Area. Fishers is also located within the Indianapolis, Indiana Urbanized Area. Therefore, this relocation does not implicate the Commission's policy regarding the migration of stations into urban areas. *See e.g., Ardmore, Alabama, et. al.*, 17 FCC Rcd 16332 (2002), *petition for reconsideration denied* 18 FCC Rcd 6390 (2003) (the Commission stated that its concern with migration to Urbanized Areas is lessened by the fact that a reallocation proposal involves reallocating a channel from one community in an Urbanized Area to another community in same Urbanized Area); *see also, Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352 (1995) ("*Headland*"); *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988) ("*Tuck*") Nevertheless, a *Tuck* showing is provided.

4. In making the determination whether to award an urbanized community a first local service preference, the Commission will consider (1) the extent to which the station will

provide service to the entire Urbanized Area, (2) the relative populations and proximity of the suburban and central city, and, most importantly, (3) the independence of the suburban community. *Tuck*, 3 FCC Rcd at 5377-78. In this case, from the proposed transmitter site, WISG would place a 70 dBu contour over 62% of the Indianapolis, Indiana Urbanized Area.<sup>1</sup> See Figure 6. Lawrence's population (2000 U.S. Census 38,915) is 4.9% of that of Indianapolis (2000 U.S. Census 781,870) and Lawrence is located 13.8 kilometers from Indianapolis. These figures are similar to those of other suburban communities granted a first local preference. See e.g., *Park City, Montana*, 19 FCC Rcd 2092, 2094 (2004) (Park City's population is less than 1% of that of Billings, and Park City is located 21 miles from Billings); *Ada, Newcastle and Watonga, Oklahoma*, 11 FCC Rcd 16896, 16899 (1996) (Newcastle's population is less than 1% of that of Oklahoma City, and Newcastle is located 15 miles from Oklahoma City). Nevertheless, the Commission has repeatedly stated that these factors are less important than evidence of independence. See *Headland*, 10 FCC Rcd at 10355. The following analysis of the eight *Tuck* factors demonstrates the independence of Lawrence from Indianapolis.

(1) ***Extent to which the residents of Lawrence work in Lawrence.*** According to 2000 Census figures, 3,245 of the 20,337 employed individuals in Lawrence, or 16%, work at their place of residence. See Exhibit 2. This percentage compares favorably with other independent communities. See, e.g., *Albemarle and Indian Trail, North Carolina*, 16 FCC Rcd 13876 (2001) (11.3% of working-age residents worked in community); *Coolidge and Gilbert, Arizona*, 11 FCC Rcd 3610 (1996) (13% of Gilbert's working population actually worked in Gilbert).

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<sup>1</sup> From the current transmitter site, WISG places a 70 dBu contour over 13.8% of the Indianapolis, Indiana Urbanized Area.

(2) ***Newspapers and other media that cover Lawrence's local needs and interests.*** The *Topics* is a local newspaper that serves a number of communities in Northeast Marion County, Indiana, including the community of Lawrence. An on-line version of the paper is located at <[www.topics.com](http://www.topics.com)>. The *Topics* contains articles of local interest to the community of Lawrence including articles on sports, business, health, and entertainment. The *Lawrence Community Journal* also serves the community of Lawrence. It is published every Wednesday and has a circulation of approximately 14,000 persons. See Exhibit 2.

(3) ***Community leaders and residents perceive Lawrence as being separate from Indianapolis.*** Lawrence is located in Marion County, Indiana. Lawrence is named in honor of Naval Captain James Lawrence who is famous for the War of 1812 cry, "Don't give up the ship!" In 1999 Lawrence marked the 150th anniversary of the founding of Lanesville and Oaklandon, small communities that grew and merged to become Lawrence. The population of Lawrence has increased in recent years and it the fastest growing community in Marion County and the 16th largest city in Indiana. Deborah Cantwell is the newly elected Mayor of Lawrence. On the City of Lawrence website, located at <[www.cityoflawrence.org](http://www.cityoflawrence.org)>, Mayor Cantwell welcomes visitors and residents to the City of Lawrence and states that "we are committed to a family friendly, vibrant and safe city. We boast great parks, top educational opportunities, affordable housing choices and exciting established and new employers and employment opportunities." See Exhibit 2.

(4) ***Lawrence has its own local government and elected officials.*** The City of Lawrence is administered by an elected Mayor and City Council. Generally, regular

City Council meetings are held the first Monday of the month at the Lawrence Government Center. The City Council is comprised of nine members; six are elected from the six districts that comprise Lawrence and the remaining three Council members are elected at-large. The City of Lawrence provides the following departments and services to the residents of Lawrence: Lawrence Recycling Program, Lawrence Sanitation Department, Lawrence Street Department, Lawrence Department of Public Works, Lawrence Public Safety Communications, Lawrence Department of Economic Development, Lawrence Parks Department and Lawrence Department of Law. *See Exhibit 2.*

(5) ***Lawrence has one zip code.*** The zip code assigned to Lawrence is 46226 and the City of Lawrence website provides a directory for the Lawrence governmental departments. *See Exhibit 2.*

(6) ***Lawrence has its own commercial establishments.*** Lawrence is home to the Greater Lawrence Chamber of Commerce and a variety of businesses and commercial establishments. A number of local businesses identify with the community by using “Lawrence” in their name, including Lawrence Chiropractic Health Care, Lawrence Exchange Club, Creative Styles of Lawrence, Lawrence Watch Repair, Lawrence Bargain Center, and Lawrence Towing. Other Lawrence retail and commercial businesses include ABlommin’ Nursery, Ala Carte Homes, Farrar Electric, Panera Bread Company, The Village Press, and SRC Technology Corporation. Health care is provided to the community of Lawrence by a number of sole practitioners. Lawrence is also home to a number of religious and community organizations, including the Lawrence United Methodist Church and the YMCA. *See Exhibit 2.*

(7) *Lawrence is a separate and distinct advertising market from Indianapolis.* The *Topics* provides the businesses of Lawrence with a place to advertise to the residents of Lawrence without relying on the Indianapolis advertising market. See Exhibit 2.

(8) *Lawrence has its own schools, police and fire protection.* The City of Lawrence has its own police and fire departments. In addition, the City of Lawrence Public Safety Answering Point (PSAP) operates as the primary communications link between the residents of Lawrence and the City's police officers, firefighters and emergency medical service persons. The City of Lawrence PSAP acts as a "trigger" for the rapid deployment by processing and disseminating information to City police officers, firefighters and EMS specialists. School services are provided to the community of Lawrence by The Metropolitan School District of Lawrence Township. See Exhibit 2.

5. Lawrence is clearly independent of Indianapolis and therefore deserving of a first local service. As demonstrated above, Lawrence satisfies all of the independent community indicia required by *Tuck*.

## **II. Station WFMS(FM), Indianapolis to Fishers, Indiana**

### **A. Technical Analysis**

6. In order to maintain local service at Fishers, WFMS Lico desires to change the community of license of Station WFMS from Indianapolis to Fishers. As demonstrated in the Technical Exhibit, Channel 238B can be allotted to Fishers at WFMS's current coordinates of 39-46-03 North Latitude, 86-00-12 West Longitude consistent with Section 73.207 of the Commission's Rules with respect to all existing and proposed domestic allotments and facilities, with the exception of certain short spaced allotments discussed in Paragraphs 7 and 8, below.

See Figure 4. A 70 dBu signal can be provided to Fishers from the Station WFMS-FM's current site. See Figure 5. Because the facilities of WFMS will not be relocated or modified, there will be no change in population or area served.

7. The engineering statement reveals that at its current location, WFMS is short-spaced to two stations, WPDT(FM) (Channel 239B), and WIJY(FM) (Channel 240A). See Figure 4. These short spacings were created prior to November 16, 1964 and the stations have remained continuously short spaced since then. Accordingly, these short spacings are governed by Section 73.213 of the Commission's Rules. The Commission has held that a station with pre-1964 short spacings under Section 73.213 may change its community of license so long as no additional short-spacing is created, no existing short-spacing is exacerbated, and the potential for interference between currently short spaced stations is not increased. See *Kankakee and Park Forest, Illinois*, 16 FCC Rcd 6768 (2001); *Killeen and Cedar Park, Texas*, 15 FCC Rcd 1945 (2000); *Oceanside and Encinitas, California*, 14 FCC Rcd 15302 (1999); *Newnan and Peachtree City, Georgia*, 7 FCC Rcd 6307 (1992). These conditions are met here since there will be no change in the facilities of WFMS. Therefore, the allotment of Channel 238B from Indianapolis to Fishers is consistent with the requirements of Section 73.213.

8. The engineering statement reveals that at its current location, WFMS is also short-spaced to one station which is authorized pursuant to Section 73.215 of the Commission's Rules, Station WVNI(FM) (Channel 236A). The Commission has held that a station may change its community of license so long as the Section 73.215 short spacing was not initiated by the petitioner, no additional short-spacing is created, no existing short-spacing is exacerbated, and the potential for interference between currently short spaced stations is not increased. See *Worcester and Westborough, Massachusetts*, 17 FCC Rcd 4459 (1992). These conditions are



met here since there will be no change in the facilities of WFMS and WFMS is not authorized under Section 73.215. Therefore, the allotment of Channel 238B from Indianapolis to Fishers is consistent with the Commission's spacing rules.

**B. Change in Community of License**

9. WFMS Lico desires to make this change under the guidelines set forth in *Community of License, supra*. First, the proposed use of Channel 238B at Fishers is mutually exclusive with the current use of Channel 238B at Indianapolis. See Figure 4. Second, Indianapolis will not be deprived of its only local service because 12 other FM stations and 7 AM stations are licensed to Indianapolis. Third, as discussed in Paragraph 2 herein, the establishment of first local service at Lawrence (2000 U.S. Census population 38,915) under Priority 3 will result in a preferential arrangement of allotments over the retention of nineteen local services at Indianapolis under Priority 4. See *Revision, supra*. There is no question that Fishers qualifies as a community independent of Indianapolis because its qualifications have been passed upon by the Commission within the last 2 years. See *Noblesville, Indianapolis, and Fishers, Indiana*, 18 FCC Rcd 11039 (2003).

**III. STATION WPFR-FM, CLINTON, INDIANA**

10. In order for Channel 230B1 to be allotted to Lawrence, Station WPFR-FM, Clinton, Indiana, currently operating on Channel 230A, must be modified to operate on Channel 229A. Channel 229A can be allotted at the WPFR-FM's current coordinates of 39-33-01 North Latitude, 87-28-32 West Longitude consistent with Section 73.207 of the Commission's Rules with respect to all existing and proposed domestic allotments and facilities. See Figure 3. Indy Lico and WFMS Lico request that the Commission issue an *Order to Show Cause* to Word Power, Inc., the licensee of WPFR-FM, to demonstrate why its license should not be modified to

operate on Channel 229A. Indy Lico and WFMS Lico commit to reimburse Word Power for the changes to the facilities of WPFR-FM in accordance with the Commission's policies. *See Circleville, Ohio*, 8 FCC 2d 159 (1967).

#### IV. CONCLUSION

For the foregoing reasons the Commission should (i) delete Channel 230A at Fishers, Indiana and allot Channel 230B1 to Lawrence, Indiana as that community's first local service, (ii) delete Channel 238B at Indianapolis, Indiana and allot Channel 238B to Fishers, Indiana, and (iii) issue an *Order to Show Cause* to Word Power, Inc., the licensee of WPFR-FM, to demonstrate why its license should not be modified to operate on Channel 229A. If this Petition is granted, Indy Lico will file an application for Channel 230B1 at Lawrence and construct the facilities as authorized, and WFMS Lico will file an application for Channel 238B at Fishers and construct the facilities as authorized.

Respectfully submitted,

INDY LICO, INC.  
WFMS LICO, INC.

By: 

Mark N. Lipp  
Scott Woodworth  
Vinson & Elkins L.L.P.  
1455 Pennsylvania Ave, NW  
Suite 600  
Washington, DC 20004-1008  
(202) 639-6500

Their Counsel

September 23, 2004

TECHNICAL EXHIBIT  
IN SUPPORT OF  
A PETITION FOR RULE MAKING  
TO AMEND THE FM TABLE OF ALLOTMENTS  
CLINTON, FISHERS, LAWRENCE AND INDIANAPOLIS, INDIANA

Technical Narrative

This technical narrative and associated exhibits have been prepared on behalf of FM station WISG (herein "Petitioner") in support of a Petition for Rule Making ("Petition") to amend Section 73.202(b) by the reallocation of channel 230A from Fishers, Indiana to Lawrence, Indiana, reclassification from Class A to B1 and the modification of the license of WISG on channel 230A at Fishers, Indiana, accordingly (BLH-20040507AAE). In order to provide a replacement service at Fishers, the licensee of WFMS on channel 238B at Indianapolis, Indiana concurrently requests the reallocation of channel 238B from Indianapolis to Fishers and the modification of WFMS's license accordingly (BMLH-20021217AAU). As each requested change is mutually exclusive with the present allotment, Petitioner invokes the provisions of Section 1.420(i). Petitioner also proposes the substitution of channel 229A for channel 230A and the modification of the license of WPFR, currently on channel 230A at Clinton, Indiana, accordingly (BLED-20000605ABI).

The following is a summary of the reallocation proposal:

- The city of Lawrence, Indiana (2000 Census population 38,915) will be provided with its first local aural transmission service.
- The proposal will not remove the only local service at Fishers, Indiana (2000 population 37,835), as WFMS on channel 238B at Indianapolis, Indiana will be reallocated from Indianapolis to Fishers. Furthermore, Indianapolis, Indiana, (2000 Census population 781,870) will not be deprived of its sole existing service as 12 other FM stations and 7 AM stations are assigned to Indianapolis.
- The number of persons within the WISG 1 mV/m contour will increase from 1,080,188 persons to 1,351,159 persons, and there will be a "net" increase in 1 mV/m coverage to 267,878 persons.
- Although Lawrence is located within the Indianapolis Urbanized area as defined by the 2000 U.S. Census, as

detailed elsewhere in this Petition it is believed that Lawrence warrants a first local service preference.

- Channel 229A can be substituted for channel 230A at Clinton for WPFR.
- The loss area is considered to be well-served.

Proposed Change in Table of Allotments

Station WISG is currently licensed (BLH-20040507AAE) to operate on channel 230A at Fishers, Indiana with an effective radiated power (ERP) of 2.95 kW and an antenna height above average terrain (HAAT) of 145 meters. The city of Fishers is located in Hamilton County, Indiana and has a 2000 U.S. Census population of 37,835 persons. Fishers currently has no other local FM or AM services. However, the proposal will not remove the only local service at Fishers as WFMS on channel 238B at Indianapolis, Indiana (BMLH-20021217AAU) will be reallocated from Indianapolis to Fishers. Furthermore, Indianapolis, Indiana, (2000 Census population 781,870) will not be deprived of its sole existing service as 12 other FM stations and 7 AM stations are assigned to Indianapolis.<sup>1</sup>

Lawrence city, Indiana is located in Marion County and has a 2000 U.S. Census population of 38,915 persons. Lawrence has no local FM or AM service and, therefore, Petitioner's proposal would bring first local aural broadcast service to Lawrence.

Station WPFR is currently licensed (BLED-20000605ABI) to operate on channel 230A at Clinton, Indiana with an ERP of 2.35 kW and an HAAT of 161 meters. In order to effectuate the channel 230B1 allotment at Lawrence, it is proposed to substitute channel 229A for channel 230A at Clinton and modify the WPFR license accordingly.

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<sup>1</sup> FM stations WICR, Ch. 204B, WJEL, Ch. 207A, WFYI, Ch. 211B, WBDG, Ch. 215A, WEDM, Ch. 216A, WRFT, Ch. 218A, WNOU, Ch. 226B, WFBQ, Ch. 234B, WHHH, Ch. 242A, WRZX, Ch. 277B, WYXB, Ch. 289B and WTPI, Ch. 300B and AM stations WSYW, 810 kHz, WXLW, 950 kHz, WIBC, 1070 kHz, WNDE, 1260 kHz, WTLC, 1310 kHz, WXNT, 1430 kHz and WBRI, 1500 kHz are currently assigned to Indianapolis.

City	Present	Proposed
Clinton, Indiana	230A	229A
Fishers, Indiana	230A	238B
Lawrence, Indiana	--	230B1
Indianapolis, Indiana	226B, 234B, 238B, 242A, 277B, 289B, 300B	226B, 234B, 242A 277B, 289B, 300B

Compliance With FCC Rules

The attached Figure 1 is a tabulation of required separations pertinent to use of channel 230B1 at Lawrence. The reference site complies with the Commission's minimum distance separation requirements contained in section 73.207 to all existing, authorized and proposed stations and allotments except for a short-spacing with WPFR on channel 230A at Clinton, Indiana. However, the short-spacing with WPFR will be eliminated by the substitution of channel 229A for WPFR's channel 230A operation at Clinton. Operation from the allotment reference site will provide the requisite city grade signal to all of Lawrence.

Figure 2 is a map showing the area to locate for channel 230B1 at Lawrence in compliance with the Commission's minimum distance separation requirements and city coverage requirements based on maximum Class B1 facilities (ERP 25 kW/HAAT 100 m). The Lawrence city limits shown on Figure 2 were obtained from a map contained in the 2000 U.S. Census of Population.

Pursuant to Section 1.420(i), the Commission will consider petitions to modify the license/construction permit of an FM station to specify a new community if the proposed allotment would be mutually exclusive with the present assignment. As the entire area to locate for channel 230B1 at Lawrence depicted on Figure 2 would be short-spaced to the licensed WISG operation on channel 230A, including the channel 230B1 reference site, the new allotment is mutually exclusive with the existing allotment.

The attached Figure 3 is a tabulation of required separations pertinent to use of channel 229A at Clinton from the existing transmitter site of WPFR. As indicated, the existing WPFR transmitter site complies with the Commission's minimum distance separation requirements contained in section 73.207 to all existing, authorized and proposed stations and allotments except for a short-spacing with WQKC on channel 229B at Seymour, Indiana. However, this short-spacing was eliminated as a result of the Report and Order in MB Docket 03-98 which substituted channel 230A for WQKC's channel 229B allotment at Seymour, Indiana and reallocated channel 230A from Seymour to Sellersburg, Indiana.

Fishers, Indiana will not be deprived of its sole existing local service as WFMS on channel 238B at Indianapolis, Indiana will be reallocated from Indianapolis to Fishers. No change in WFMS's presently licensed transmitter site is proposed (BMLH-20021217AAU). The attached Figure 4 is a tabulation of required separations pertinent to use of channel 238B at Fishers from the licensed WFMS transmitter site. The licensed WFMS transmitter site complies with the Commission's minimum distance separation requirements contained in section 73.207 to all existing, authorized and proposed stations and allotments with the exception of short-spacings with WVNI on channel 236A at Nashville, Indiana, WDPT on channel 239B at Piqua, Ohio, and WIJY on channel 240A at Franklin, Indiana. Each short-spacing is addressed below.

Station WVNI initiated the short-spacing with WFMS pursuant to the provisions of Section 73.215. Therefore, the proposal complies with past FCC precedents in reallocation proposals involving such short-spacings as (1) the Section 73.215 short-spacing was not initiated by WFMS and (2) as WFMS does not seek to change its transmitter site, no new short-spacings are created and no existing short-spacings are exacerbated. See Report and Order in MM Docket No. 02-49, Worcester and Westborough, Massachusetts, DA 02-565. Furthermore, the short-spacings with WDPT and WIJY are grandfathered short-spacings under Section 73.213(a). As such, the proposal complies with past FCC precedents in reallocation proposals involving such short-spacings as WFMS does not seek

to change its transmitter site and, thus, no new short-spacings are created and no existing short-spacings are exacerbated. See Report and Order in MM Docket No. 02-49, Worcester and Westborough, Massachusetts, DA 02-565

Figure 5 is a map demonstrating that operation of WFMS on channel 238B at Fishers will comply with the FCC's city coverage requirements. Specifically, Figure 5 depicts the 70 dBu contours for WFMS based on its licensed facilities (ERP 13 kW/HAAT 302 meters) and presuming uniform terrain (FCC allotment stage requirement) and actual terrain (FCC application stage requirement). As shown, operation from the licensed WFMS site will provide the requisite city grade signal to all of Fishers. The Fishers city limits shown on Figure 5 were obtained from a map contained in the 2000 U.S. Census of Population.

Pursuant to Section 1.420(i), the Commission will consider petitions to modify the license/construction permit of an FM station to specify a new community if the proposed allotment would be mutually exclusive with the present assignment. As there will be no change in the WFMS transmitter site or channel (238B) the new allotment is mutually exclusive with the existing allotment.

#### Urbanized Area Considerations

An analysis was conducted of the proposed coverage for the Lawrence proposal with respect to the proximate US Census defined Urbanized Areas. The 2000 U.S. Census urbanized areas were employed. As indicated on Figure 6, the Lawrence proposal will provide 70 dBu service to 62% of the 2000 Indianapolis urbanized area. Furthermore, the reference point of Lawrence is located approximately 13.8 kilometers northeast of the reference point of Indianapolis.<sup>2</sup>

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<sup>2</sup> The reference points of Lawrence (N39°50'19", W86°01'31") and Indianapolis (N39°46'06", W86°09'29") were obtained from the Geographic Names Information System (GNIS).

Gain and Loss Areas and Available Aural Services

Figure 7, attached, is a map showing the FM 1 mV/m primary service contours for the licensed WISG operation on channel 230A at Fishers and the proposed WISG channel 230B1 allotment at Lawrence. Maximum facilities for each class and uniform terrain were utilized. The 1 mV/m "gain" and "loss" areas are also indicated.

It is noted that there will be no change in WFMS's presently licensed site or facilities (channel 238B, ERP 13 kW/HAAT 302 m). Therefore, there will be no loss or gain in reception service for the proposed WFMS operation on channel 238B at Fishers.

Figure 8, attached, is a map showing the FM 1 mV/m primary service contours for the licensed WISG operation on channel 230A at Fishers and the proposed channel 230B1 allotment at Lawrence. Maximum facilities for each class and uniform terrain were utilized. The 1 mV/m "gain" and "loss" areas are also indicated. Also shown are other aural services available to the areas within the 1 mV/m contours.<sup>3</sup> As indicated, there are 5 or more fulltime aural services available to all gain and loss areas. Figure 9 tabulates the stations employed in the determination of available aural service. Numbers indicate the number of available aural services.

Population and Area within Gain and Loss Areas

Figure 10 is a tabulation of the land areas and estimated populations within the 1 mV/m FM primary service contours for the licensed WISG operation on channel 230A at Fishers and the proposed channel 230B1 allotment at Lawrence. Also tabulated are the gain, loss and "net" gain areas and the results of the reception service analyses for these areas. Adoption of the Petitioner's proposal will increase the number

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<sup>3</sup>The determination of available reception services was based on the criteria set forth in footnote 1 of the Notice of Proposed Rule Making in MM Docket No. 96-219 (DA 96-1774; adopted October 25, 1996, released November 1, 1996).



of persons within the WISG 1 mV/m contour from 1,083,281 persons to 1,351,159 persons, will result in a "net" increase in 1 mV/m coverage to 267,878 persons.

#### Coverage Contours

The FM predicted coverage contours were calculated in accordance with the provisions of Section 73.313, except that uniform terrain was presumed in all directions.

#### Population and Area

The population within each FM primary service contour (1 mV/m) and each gain, loss, reception and interference area was calculated using a computer program that utilizes the 2000 U.S. Census database of "population centroids". The program adds the populations of those U.S. Census designated areas whose centroid was within each service area. The area within each FM primary service contour was calculated using a root mean square algorithm.

#### Conclusion

Channel 230A can be reallocated from Fishers, Indiana to Lawrence, Indiana and reclassified from Class A to B1 status in compliance with all applicable Commission Rules. Station WFMS on channel 238B can be reallocated from Indianapolis to Fishers in compliance with all applicable Commission rules. Channel 229A can be substituted for WPFR's channel 230A allotment at Clinton, Indiana in compliance with all applicable Commission rules. The proposal will result in first local aural service to Lawrence. The proposal will not remove the only local service at Fishers as WFMS on channel 238B at Indianapolis, Indiana will be reallocated from Indianapolis to Fishers. Furthermore, Indianapolis, Indiana, will not be deprived of its sole existing service as 12 other FM stations and 7 AM stations are assigned to Indianapolis. The number of persons within the WISG 1 mV/m contour will increase from 1,083,281 persons to 1,351,159 persons, and there will be a "net" increase in 1 mV/m coverage to 267,878 persons. The proposal will not create any underserved loss area. Therefore,

Figure 1

CDBS FM SEPARATION STUDY

Job Title: Proposed WISG, Ch. 230B1, Lawrence, IN  
 Channel: 230 B1

Separation Buffer: 32 km  
 Coordinates: 394337 860300

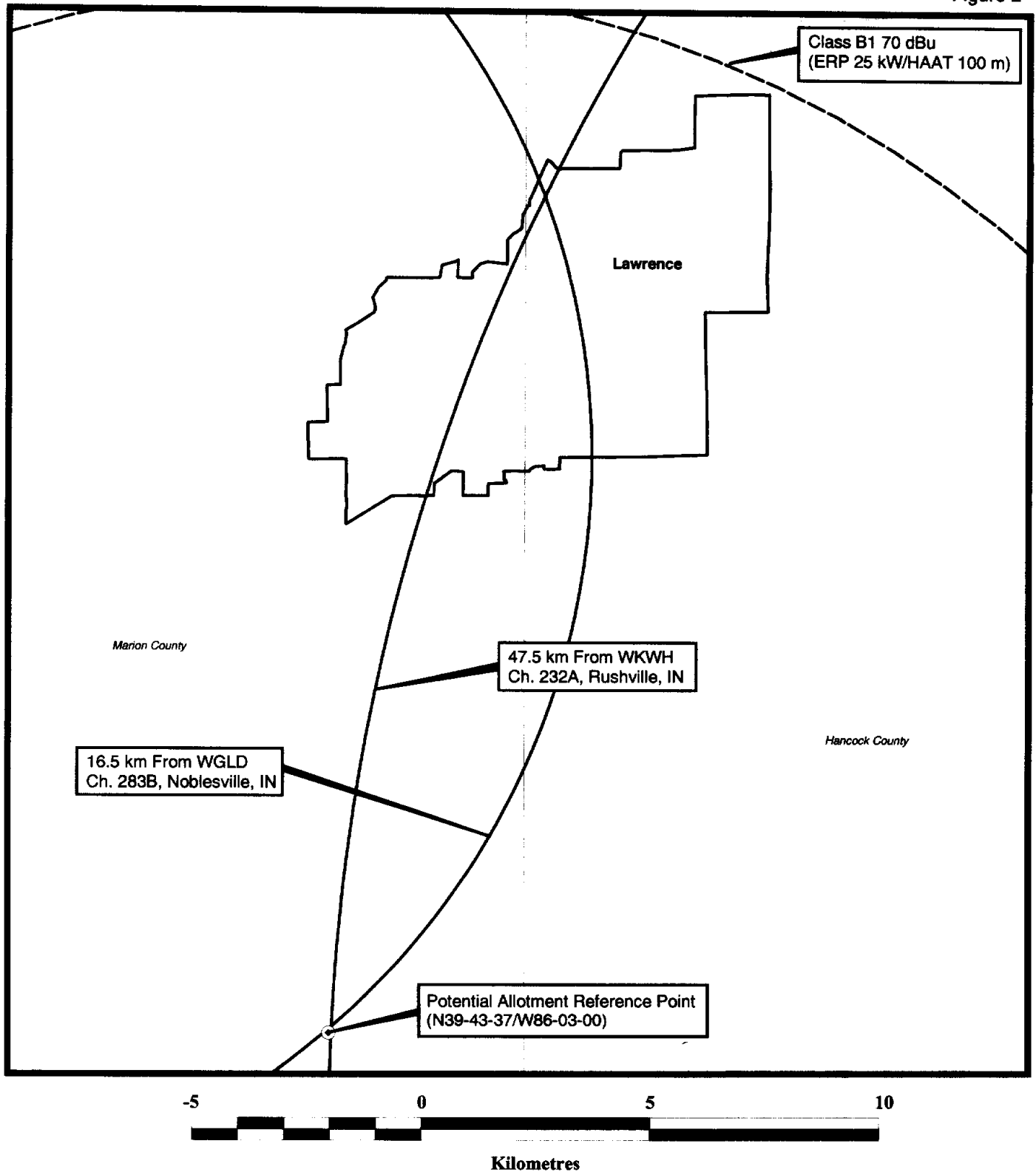
Call Id	City St	File Status Num	Channel Freq	ERP HAAT	DA Id	Latitude Longitude	73 215	Bear	Dist. (km)	Req. (km) 215 207
WQKC 58380	SEYMOUR IN	BLH LIC C 20040427ABF	229 B 93.7	25.000 213	Y 64708	38-58-22 086-10-03	Y	186.9	84.34 -60.66	114.0 145.0 Short <sup>1</sup>
WFRR 11041	WALTON IN	BLH LIC C 19951120KB	229 A 93.7	6.000 100	N	40-43-31 086-10-33	N	354.5	111.37 15.37	72.0 96.0 Close
WFCJ 41457	MIAMISBURG OH	BMLH LIC C 20030630AAA	229 B 93.7	50.000 150	N	39-39-35 084-18-53	N	92.3	149.03 4.03	114.0 145.0 Close
WISG 71438	FISHERS IN	BLH LIC C 20040507AAE	230 A 93.9	2.950 145	N	39-49-39 085-58-51	Y	27.8	12.64 -130.36	119.0 143.0 Short <sup>2</sup>
WPFR-F 73712	CLINTON IN	bled LIC C 20000605ABI	230 A 93.9	2.350 161	N	39-33-01 087-28-32	N	261.3	123.94 -19.06	119.0 143.0 Short <sup>3</sup>
WPFR-F 73712	CLINTON IN	PROPOSED	229 A 93.7		N	39-33-01 087-28-32	N	261.3	123.94 27.94	72.0 96.0 Clear <sup>3</sup>
	SELLERSBURG IN	RM RSV C 10378	230 A 93.9	0.000		38-17-41 085-45-07		170.7	161.08 18.08	119.0 143.0 Clear <sup>1</sup>
WVMX 59593	CINCINNATI OH	BMLH LIC C 19820922AJ	231 B 94.1	32.000 183	N	39-06-18 084-33-24	N	117.9	145.97 0.97	114.0 145.0 Close
WVMX 59593	CINCINNATI OH	BPH APP C 20031216ADP	231 B 94.1	16.000 264	N	39-06-59 084-30-07	N	116.6	149.55 4.55	114.0 145.0 Close
WKWH-F 54151	RUSHVILLE IN	BMLH LIC C 20000913AAR	232 A 94.3	1.050 171	N 30215	39-42-22 085-29-41	N	92.6	47.67 -0.33	42.0 48.0 Close
WREB 54600	GREENCASTLE IN	BLH LIC C 3278	232 A 94.3	3.000 49	N	39-39-38 086-53-34	N	264.4	72.66 24.66	42.0 48.0 Clear
WGLD 28609	NOBLESVILLE IN	BMLH LIC C 20030828AYT	283 B 104.5	50.000 150	N	39-50-25 086-10-34	N	319.5	16.58 -0.42	0.0 17.0 Close
	NOBLESVILLE IN	RM RSV C 10153	283 B 104.5	0.000		39-50-25 086-10-34		319.5	16.58 -0.42	0.0 17.0 Close

<sup>1</sup> This short-spacing was eliminated as a result of the Report and Order in MB Docket 03-98, which substituted channel 230A for WQKC's channel 229B at Seymour, Indiana and reallocated channel 230A from Seymour to Sellersburg, Indiana.

<sup>2</sup> Existing WISG site. Requested reallocation of channel 230B1 to Lawrence, Indiana is mutually exclusive with Petitioner's current channel 230A at Fishers, Indiana.

<sup>3</sup> This short-spacing will be eliminated by the substitution of channel 229A for WPFR's current channel 230A operation at Clinton, Indiana. See Technical Narrative and Figure 3.

Figure 2



**AREA-TO-LOCATE  
CHANNEL 230B1  
LAWRENCE, INDIANA**

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

Figure 3

## CDBS FM SEPARATION STUDY

Job Title: Proposed WPFR, Ch. 229A, Clinton, IN  
 Channel: 229 A

Separation Buffer: 32 km  
 Coordinates: 393301 872832

Call Id	City St	File Status Num	Channel Freq	ERP HAAT	DA Id	Latitude Longitude	73 215	Bear	Dist. (km)	Req. (km) 215 207
WQTY 37737	LINTON IN	BLH LIC C 19910408KB	227 B1 93.3	12.000 145	N	39-00-46 087-22-23	N	171.6	60.32 12.32	42.0 48.0 Close
WEBX 57471	TUSCOLA IL	BLH LIC C 19931217KC	228 A 93.5	6.000 94	N	39-54-24 088-16-35	N	300.3	79.24 7.24	49.0 72.0 Close
WKHY 63185	LAFAYETTE IN	BLH LIC C 19950329KA	228 A 93.5	6.000 75	N	40-23-13 086-58-10	N	24.7	102.47 30.47	49.0 72.0 Clear
WQKC 58380	SEYMOUR IN	BLH LIC C 20040427ABF	229 B 93.7	25.000 213	Y	38-58-22 086-10-03	Y	119.3	129.83 -48.17	143.0 178.0 Short <sup>1</sup>
	GRAYVILLE IL	RM ADD C bg-82	229 A 93.7	0.000		38-21-56 088-03-38		201.2	140.96 25.96	92.0 115.0 Clear
WTRX-F 37818	PONTIAC IL	BLH LIC C 19950117KB	229 B1 93.7	12.000 144	N	40-45-27 088-37-40	N	324.3	166.15 23.15	119.0 143.0 Clear
WPFR-F 73712	CLINTON IN	bled LIC C 20000605ABI	230 A 93.9	2.350 161	N	39-33-01 087-28-32	N	90.0	0.00 -72.00	49.0 72.0 Short <sup>2</sup>
WREB 54600	GREENCASTLE IN	BLH LIC C 3278	232 A 94.3	3.000 49	N	39-39-38 086-53-34	N	76.0	51.53 20.53	25.0 31.0 Clear

<sup>1</sup> This short-spacing was eliminated as a result of the Report and Order in MB Docket 03-98, which substituted channel 230A for WQKC's channel 229B allotment at Seymour, Indiana and reallocated channel 230A from Seymour to Sellersburg, Indiana.

<sup>2</sup> Existing WPFR site.

Figure 4

## CDBS FM SEPARATION STUDY

Job Title: Proposed WFMS, Ch. 238B, Fishers, IN  
Channel: 238 B

Separation Buffer: 32 km  
Coordinates: 394603 860012

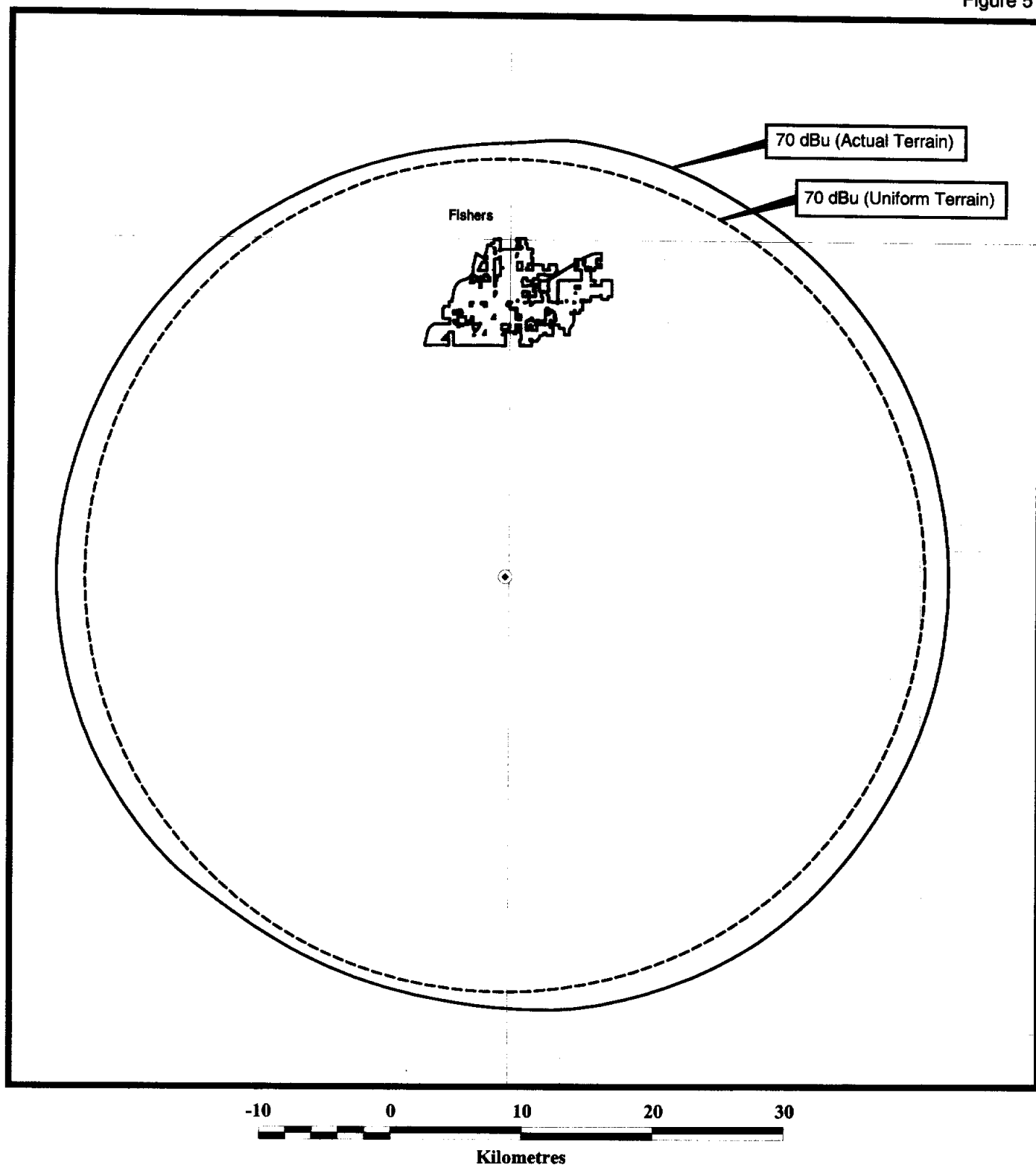
Call Id	City St	File Status Num	Channel Freq	ERP HAAT	DA Id	Latitude Longitude	73 215	Bear	Dist. (km)	Req. (km) 215 207
WVNI 7322	NASHVILLE IN	BLH LIC C 19970904KB	236 A 95.1	3.800 105	N	39-13-52 086-22-40	Y	208.4	67.70 -1.30	63.0 Short <sup>1</sup>
WSHP 6336	BROOKSTON IN	BLH LIC C 19920702KC	237 A 95.3	2.300 154	N	40-32-48 086-50-59	Y	320.6	112.63 -0.37	96.0 Close
WIKI 72388	CARROLLTON KY	BLH LIC C 19930212KD	237 A 95.3	1.800 129	N	38-39-58 085-16-51	N	152.8	137.27 24.27	96.0 Clear
WUME-F 28600	PAOLI IN	BLH LIC C 5483	237 A 95.3	3.000 91	N	38-32-25 086-28-42	N	196.9	142.29 29.29	96.0 Clear
WNDI-F 2395	SULLIVAN IN	BLH LIC C 19820823AO	237 A 95.3	3.000 46	N	39-05-36 087-26-38	N	239.2	144.87 31.87	96.0 Clear
WFMS 54622	INDIANAPOLI IN	BMLH LIC C 20021217AAU	238 B 95.5	13.000 302	N	39-46-03 086-00-12	N	109.6	0.00 -241.00	211.0 Short <sup>2</sup>
WLFF 68985	ATTICA IN	BLH LIC C 19950929KF	239 A 95.7	3.100 132	N	40-23-02 087-07-55	Y	305.9	118.12 5.12	96.0 Close
WDPT 73908	PIQUA OH	BMLH LIC C 20010810AAO	239 B 95.7	50.000 145	N	40-13-03 084-17-37	N	70.5	154.33 -14.67	145.0 Short <sup>3</sup>
WQMF 50763	JEFFERSONVI IN	BLH LIC C 19941125KC	239 B 95.7	28.500 196	N	38-08-16 085-56-05	N	178.1	181.02 12.02	145.0 Close
WIJY 21842	FRANKLIN IN	BMLH APP C 20030714AEP	240 A 95.9	3.300 91	N	39-30-49 086-04-07	N	191.2	28.74 -40.26	63.0 Short <sup>3</sup>
WIJY 21842	FRANKLIN IN	BLH LIC C 3493	240 A 95.9	3.000 91	N	39-30-49 086-04-07	N	191.2	28.74 -40.26	63.0 Short <sup>3</sup>
WQLK 6749	RICHMOND IN	BLH LIC C 19990719KE	241 B 96.1	50.000 150	28726	39-53-33 084-56-09	N	81.0	92.43 18.43	68.0 Clear

<sup>1</sup> Section 73.215 short-spacing initiated by WVNI. Proposal complies with past FCC precedents in reallocation proposals involving such short-spacings as (1) the Section 73.215 short-spacing was not initiated by WFMS, (2) as WFMS does not seek to change its transmitter site, no new short-spacings are created and no existing short-spacings are exacerbated. See Report and Order in MM Docket No. 02-49, Worcester and Westborough, Massachusetts, DA 02-565, Technical Narrative and Figure 5.

<sup>2</sup> Requested reallocation of channel 238B to Fishers, Indiana is mutually exclusive with the current channel 238B allotment at Indianapolis, Indiana.

<sup>3</sup> Grandfathered short-spacing under Section 73.213(a). Proposal complies with past FCC precedents in reallocation proposals involving such short-spacings as WFMS does not seek to change its transmitter site and, thus, no new short-spacings are created and no existing short-spacings are exacerbated. See Report and Order in MM Docket No. 02-49, Worcester and Westborough, Massachusetts, DA 02-565, Technical Narrative and Figure 5.

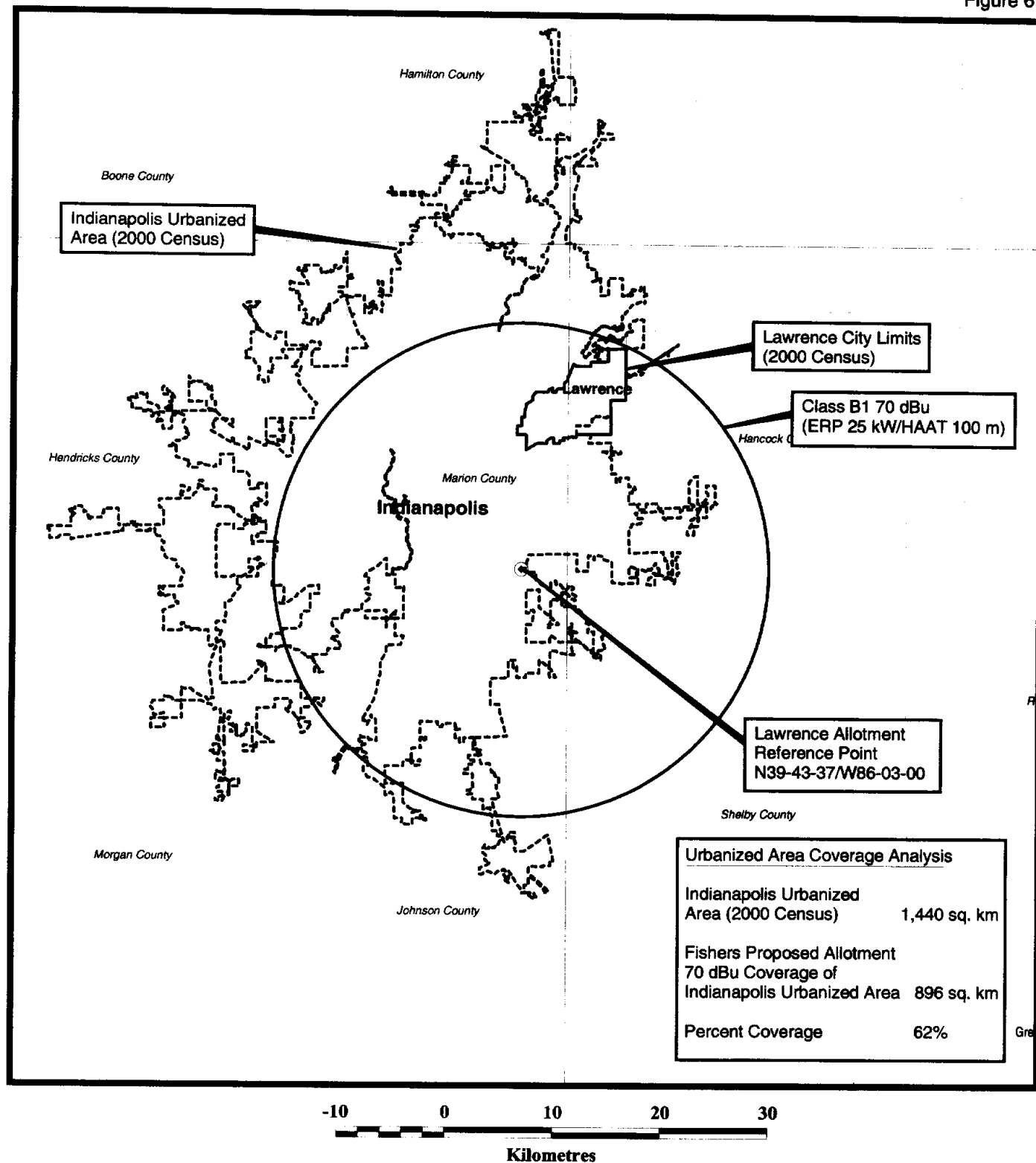
Figure 5



**CITY COVERAGE COMPLIANCE  
STATION WFMS  
FISHERS, INDIANA  
CH 238B 13 KW 302 M**

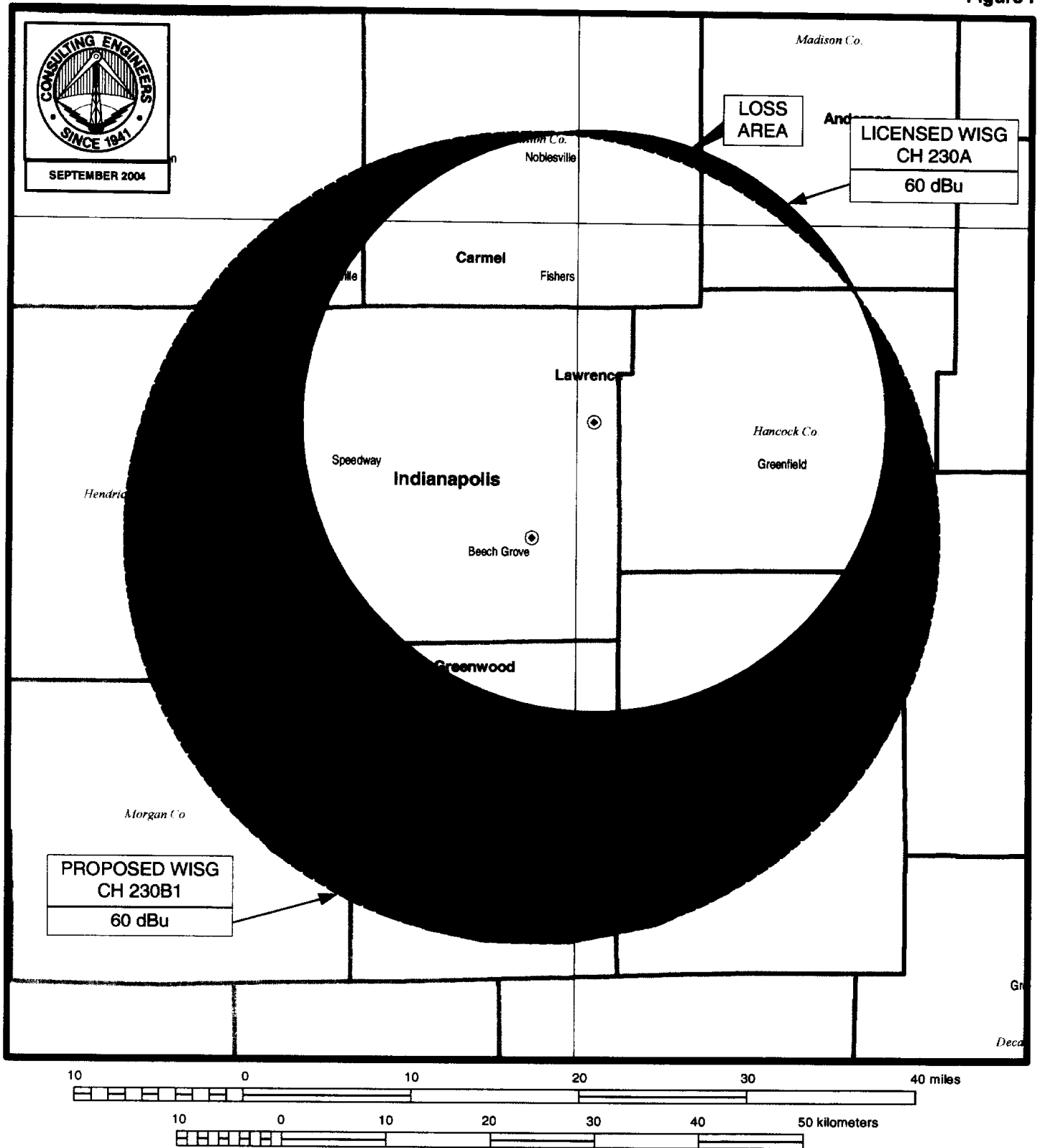
du Treil, Lundin & Rackley, Inc. Sarasota, Florida

Figure 6



# **COVERAGE OF INDIANAPOLIS URBANIZED AREA CHANNEL 230B1 LAWRENCE, INDIANA**

Figure 7



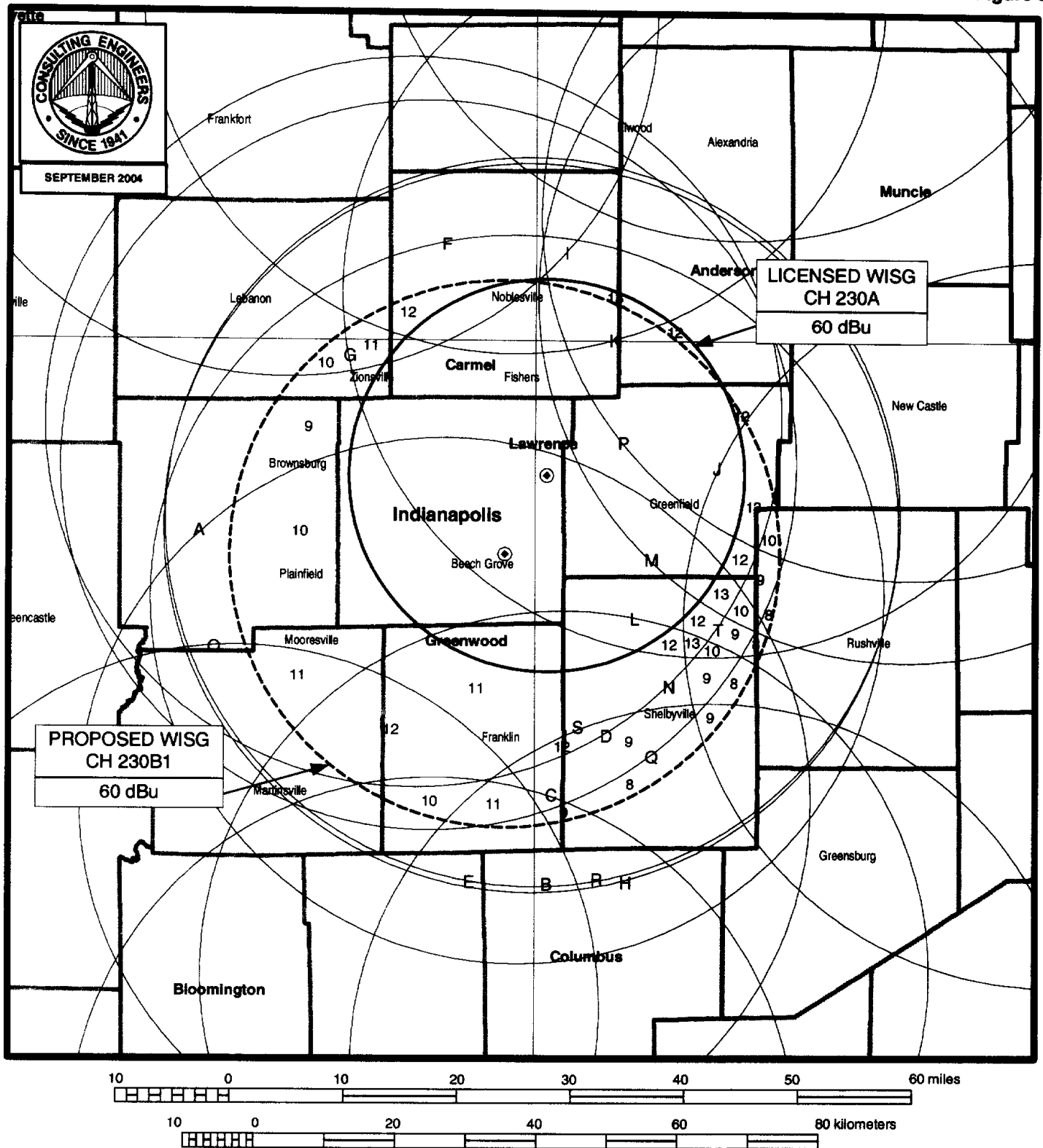
## 60 dBu GAIN/LOSS AREAS

STATION WISG(FM)  
LAWRENCE, INDIANA  
CHANNEL 230B1

du Treil, Lundin & Rackley, Inc. Sarasota, Florida



Figure 8



## OTHER AVAILABLE SERVICES

STATION WISG(FM)  
LAWRENCE, INDIANA  
CHANNEL 230B1

du Treil, Lundin & Rackley, Inc. Sarasota, Florida